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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,466	02/23/2001	Rory Stewart Turnbull	36-1411	7184

7590

02/01/2005

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EXAMINER

JACKSON, JAKIEDA R

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/763,466	Applicant(s) TURNBULL ET AL.	
	Examiner Jakieda R Jackson	Art Unit 2655	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED October 5, 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 2 months from the ~~mailing date of the final rejection~~ ^{notice of appeal}.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

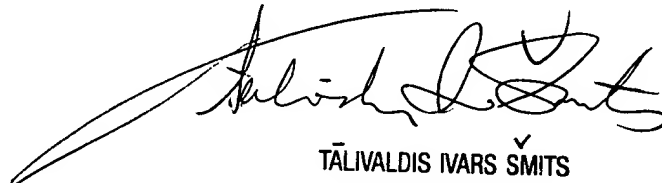
Claim(s) withdrawn from consideration: _____.

8. ☒ The drawing correction filed on October 5, 2005 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: applicant's arguments filed October 5, 2005 have been fully considered but are not persuasive.

Applicant argues with respect to claims 1, 17 and 19 that Todoroki fails to disclose "secondary data which includes the first data in respect of a different temporal portion of the signal but lacks the second data in respect of that portion. According to figure 6 of Todoroki, in particular figure 6C, the subscript denotes the different temporal portion of the signal. Since, for example, $B(m+1)$ is a larger delay than $b(1)$, with the time being far apart, it would not include any data from the primary data. Therefore, it lacks the second data in respect of that portion.

The PTO must give claim words their broadest reasonable meaning in their ordinary usage, as understood by one of ordinary skill in the art. In re Morris, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997). In this case, the term enhancement data is interpreted as information that helps improve the system. Error correction bits are used to produce a signal and if the errors are corrected, it produces a higher quality than those without the error correction bits (claim 1). If the primary data is absent from the buffer, the secondary data is read. Todoroki uses a confirmity judgement circuit that selects the data that should be read based on the state of the signal (column 7, line 23 - column 8, line 39).



TĀLVALDIS IVARS SMITS
PRIMARY EXAMINER